



Mayor Michael B. Coleman

## REZONING APPLICATION

City of Columbus, Ohio • Department of Building & Zoning Services

757 Carolyn Avenue, Columbus, Ohio 43224 • Phone: 614-645-7433 • [www.columbus.gov](http://www.columbus.gov)

OFFICE USE ONLY

Application #: 213-042 / 13335-00000-00386

Date Received: 6/4/13

Application Accepted By: S. Pine

Fee: \$3830

Comments: Assigned to Shannon Pine, 645-2208, spine@columbus.gov

### LOCATION AND ZONING REQUEST:

Certified Address (for Zoning Purposes) 6193 Cleveland Avenue

Zip 43231

Is this application being annexed into the City of Columbus

☐ Yes

☒ No (circle one)

*If the site is currently pending annexation, Applicant must show documentation of County Commissioner's adoption of the annexation petition.*

Parcel Number for Certified Address 010-207674; 600-182484

☐ Check here if listing additional parcel numbers on a separate page.

Current Zoning District(s) LC4

Requested Zoning District(s) CPD

Area Commission Area Commission or Civic Association: Northland Community Council

Proposed Use or reason for rezoning request: Fuel Sales; Convenience Store Retail; Car Wash

(continue on separate page if necessary)

Proposed Height District: H-35

Acreage 2.2 +/-

[Columbus City Code Section 3309.14]

### APPLICANT:

Name TH Midwest, Inc. c/o Steve Fuller

Address 2600 Corporate Exchange Blvd., Ste 170

City/State Columbus / Ohio

Zip 43231

Phone # 614-981-3255

Fax #

Email steve.fuller@minitmarkets.com

### PROPERTY OWNER(S):

Name Bob Evans Farms, Inc. c/o Victor Layne

Address 3776 South High Street

City/State Columbus / Ohio

Zip 43207

Phone # 614-492-7489

Fax #

Email Victor\_Layne@bobevans.com

☐ Check here if listing additional property owners on a separate page

### ATTORNEY / AGENT (CHECK ONE IF APPLICABLE)

☒ Attorney

☐ Agent

Name Christopher A. Rinehart c/o Rinehart Legal Services, Ltd.

Address 300 East Broad Street, Suite 450

City/State Columbus / Ohio

Zip 43215

Phone # 614-221-1244

Fax # 614-343-1549

Email: crinehart@rinehartlegal.com

### SIGNATURES (ALL SIGNATURES MUST BE PROVIDED AND SIGNED IN BLUE INK)

APPLICANT SIGNATURE

CHL G. Rinehart PER AUTHORITY STEVE FULLER

PROPERTY OWNER SIGNATURE

Victor A. Layne

ATTORNEY / AGENT SIGNATURE

CHL G. Rinehart

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that the City staff review of this application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me/my firm/etc. may delay the review of this application.

**PLEASE NOTE:** incomplete information will result in the rejection of this submittal.

Applications must be submitted by appointment. Call 614-645-4522 to schedule.

Please make all checks payable to the Columbus City Treasurer



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### AFFIDAVIT

(See instruction sheet)

APPLICATION # 213-042

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Christopher A. Rinehart

of (1) MAILING ADDRESS Rinehart Legal Services, Ltd. / 300 East Broad Street, Suite 450 / Columbus / Ohio / 43215

deposed and states that (he/she) is the applicant, agent, or duly authorized attorney for same and the following is a list of the name(s) and mailing address(es) of all the owners of record of the property located at

(2) CERTIFIED ADDRESS FOR ZONING PURPOSES 6193 Cleveland Avenue, Columbus, Ohio, 43231

for which the application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) 6/4/13

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME  
AND MAILING ADDRESS

☐ Check here if listing additional property owners  
on a separate page.

(4) Bob Evans Farms, Inc.

ATTN: Mr. Victor Layne

3776 South High Street

Columbus, Ohio 43207

APPLICANT'S NAME AND PHONE #  
(same as listed on front of application)

TH Midwest, Inc.

ATTN: Mr. Steve Fuller / 614-981-3255

AREA COMMISSION OR CIVIC GROUP  
AREA COMMISSION ZONING CHAIR OR  
CONTACT PERSON AND ADDRESS

(5) Northland Community Council

ATTN: Mr. Dave Paul

P.O. Box 297836 / Columbus / Ohio / 43229

and that the attached document (6) is a list of the names and complete mailing addresses, including zip codes, as shown on the County Auditor's Current Tax List or the County Treasurer's Mailing List, of all the owners of record of property within 125 feet of the exterior boundaries of the property for which the application was filed, and all of the owners of any property within 125 feet of the applicant's or owner's property in the event the applicant or the property owner owns the property contiguous to the subject property(7)

SIGNATURE OF AFFIANT

(8) Chris A. Rinehart

Subscribed to me in my presence and before me this 4th day of June, in the year 2013

SIGNATURE OF NOTARY PUBLIC

(8) [Signature]

My Commission Expires:

*This Affidavit expires six months after date of notarization.*

Notary Seal Here

**JAMES ROBERT RISHEL**  
ATTORNEY AT LAW  
Notary Public, State of Ohio  
My Commission Has No Expiration  
Section 147.03 R.C.

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**APPLICANT**

TH Midwest, Inc.  
ATTN: Mr. Steve Fuller  
2600 Corporate Exchange  
Boulevard, Suite 170  
Columbus, Ohio 43231

**PROPERTY OWNER**

Bob Evans Farms, Inc.  
ATTN: Mr. Victor Layne  
3776 South High Street  
Columbus, Ohio 43207

**ATTORNEY**

Christopher A. Rinehart, Esq.  
Rinehart Legal Services, Ltd.  
300 East Broad Street, Suite 450  
Columbus, Ohio 43215

**CIVIC ASSOCIATION**

Northland Community Council  
ATTN: Mr. Dave Paul  
P.O. Box 297836  
Columbus, Ohio 43229

**SURROUNDING PROPERTY OWNERS**

Hunidor Plus Inc.  
6157 Cleveland Avenue  
Columbus, Ohio 43231

Matthew D. McGee TOD  
6935 Margarum Bend  
New Albany, Ohio 43054

Larry W. Miller  
1400 Home Acre Drive  
Columbus, Ohio 43229

Walter G. and Lois J. Reiner  
Reiner Realty & Consultants  
5030 Westerville Road  
Columbus, Ohio 43231

Shoreland Properties LLC  
6190 Cleveland Avenue  
Columbus, Ohio 43231

World Business Services Inc.  
c/o Walter G. and Lois J. Reiner  
Reiner Realty & Consultants  
5030 Westerville Road  
Columbus, Ohio 43231

213-042



## REZONING APPLICATION

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### PROJECT DISCLOSURE STATEMENT

Parties having a 5% or more interest in the project that is the subject of this application.

**THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED.** Do not indicate 'NONE' in the space provided.

APPLICATION # 213-042

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Christopher A. Rinehart

of (COMPLETE ADDRESS) Rinehart Legal Services, Ltd. / 300 East Broad Street, Suite 450 / Columbus / Ohio / 43215

deposes and states that (he/she) is the APPLICANT, AGENT or DULY AUTHORIZED ATTORNEY FOR SAME and the following is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the subject of this application in the following format:

Name of business or individual  
Business or individual's address  
Address of corporate headquarters  
City, State, Zip  
Number of Columbus based employees  
Contact name and number

1. TH Midwest, Inc. 2600 Corporate Exchange Blvd., Ste 170 Columbus, Ohio 43231 Address of Corporate Headquarters: 257 Centerville Road Lancaster, PA 17603 Number of Columbus based employees: 100+ Contact Name / Number: Steve Fuller / 614-981-3255	2.
3.	4.

☐ Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 4th day of June, in the year 2013

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

*This Project Disclosure Statement expires six months after date of notarization.*

Notary Seal Here

**JAMES ROBERT RISHEL**  
ATTORNEY AT LAW  
Notary Public, State of Ohio  
My Commission Has No Expiration  
Section 147.02 R.C.

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# City of Columbus Zoning Plat



213-042

## ZONING NUMBER

The Zoning Number Contained on This Form  
is Herein Certified to Obtain Zoning, Rezoning,  
and Variances, and is NOT to be Used for  
the Securing of Building & Utility Permits

Parcel ID: 010207674

Zoning Number: 6193

Street Name: CLEVELAND AVE

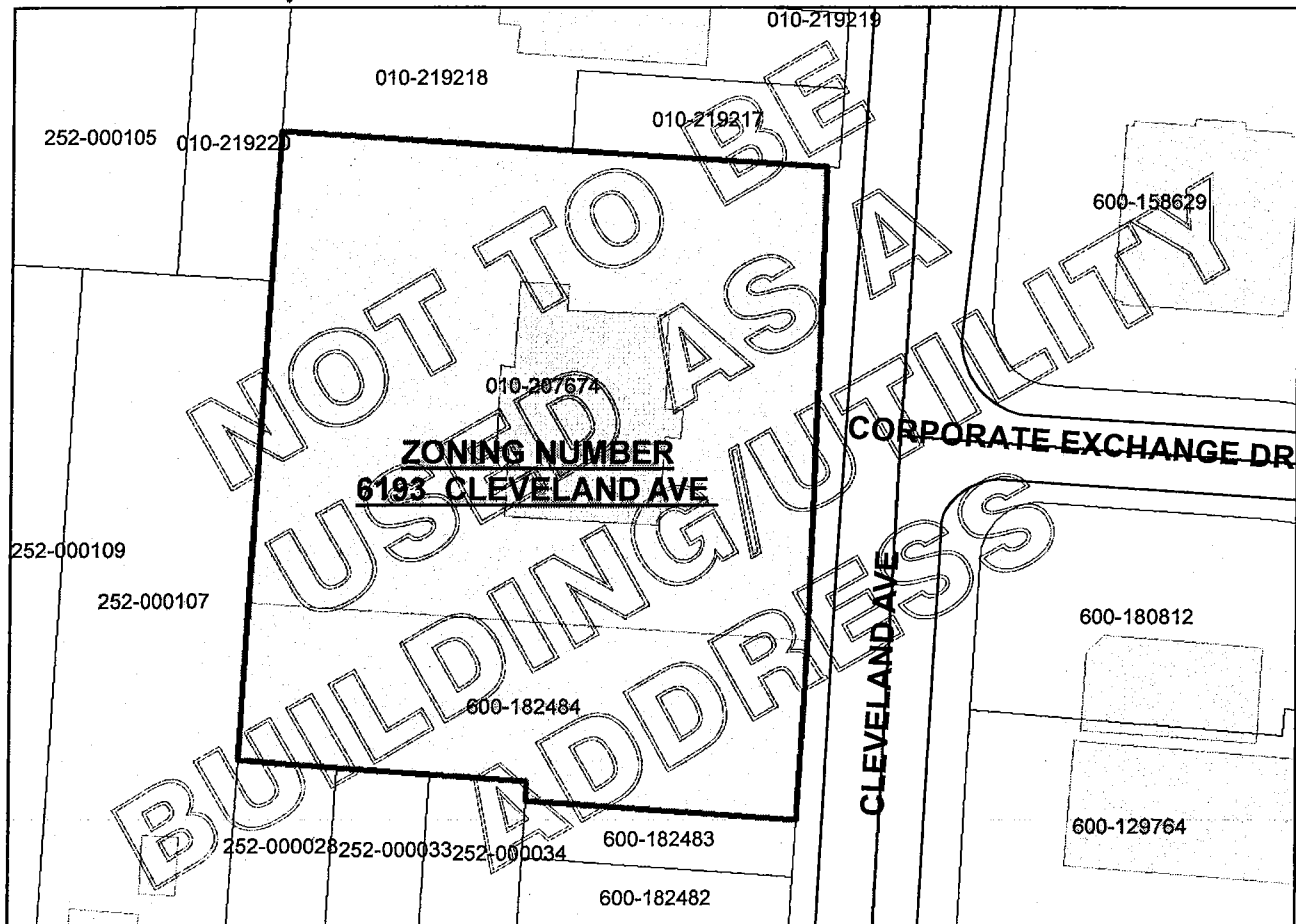
Lot Number: N/A

Subdivision: N/A

Requested By: RINEHART LEGAL SERVICES (CHRIS RINEHART)

Issued By: Alfred Carmona

Date: 6/4/2013



PATRICIA A. AUSTIN, P.E., ADMINISTRATOR  
DIVISION OF PLANNING AND OPERATIONS  
COLUMBUS, OHIO

SCALE: 1 inch = 100 feet

GIS FILE NUMBER: 13785



213-642

**LEGAL DESCRIPTION:**

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Lots 107 through 115, inclusive of "Amended Plat No. 2, North Home Acre Park" Subdivision, recorded in Plat Book 20, Page 2, being all of those lands described in the deeds to Columbus Cooker Corporation and Cooker Restaurant Corporation, recorded in Official record Volume 9386-118 and Official Record Volume 18253-A04, respectively, (record references to those of the Recorder's Office, Franklin County, Ohio), and being more particularly described as follows:

Beginning at the intersection of the westerly right-of-way line of Cleveland Avenue, with the line common to Lots 115 and 116 of said Subdivision, being at the northwesterly corner of that 0.0141 acre tract of land described in the deed to the City of Columbus, recorded in Official Record Volume 9888-J01, said corner being North 86°20'58" West, 5.00 feet from a ¾" iron pipe found;

thence southerly through said Lots 115, 114, 113, 112, 111, and 110, being along said westerly right-of-way line of Cleveland Avenue, being also the westerly line of said 0.0141 acre tract, South 02°27'27" West, 245.38 feet to the intersection of said line, with the line common to Lots 109 and 110, being the southerly corner of said 0.0141 acre tract, said corner referenced by a 5/8" solid pin found 0.58 feet south and 0.93 feet east;

thence southerly through said Lots 109, 108 and 107, being along said westerly right-of-way line of Cleveland Avenue, said right-of-way line being 40 feet westerly of, as measured perpendicular to and parallel with, the centerline of said Cleveland Avenue, South 03°37'31" West, 91.78 feet to a point referenced by a 3/4" iron pipe found (capped Baker/5539) 0.06 feet north and 0.82 feet east;

thence westerly along a line 10.00 feet southerly of, as measured perpendicular to and parallel with, the line common to said Lots 107 and 108, North 86°20'58" West, 140.03 feet to a ¾" iron pipe found in the line common to Lots 103 and 107 of said Subdivision;

thence northerly along said line common to Lots 103 and 107, North 03°37'31" East, 10.00 feet to a corner common to said Lots 103, 107, 108 and 109, said corner being located 0.31 north of a ½" pinch top pin found in concrete;

thence westerly along the line common to Lots 103, 102, 101 and 109 of said Subdivision, North 86°20'58" West, 149.95 feet to the westerly corner common to said Lots 101 and 109, said corner being located 0.20 feet south on a ½" pinch top pin found in concrete;

thence northerly along the westerly line of said Lots 109, 111, 113 and 115, being the easterly line of Lots 77 and 76 of "North Home Acre Park," recorded in Plat Book 18, Page 20, North 03°37'53" East, (passing said ½" pinch top pin found in concrete at 0.20 feet) a distance of 327.11 feet to a ½" iron pipe found at the westerly corner common to said Lots 115 and 117 of said Subdivision;

thence easterly along the line common to said Lots 117, 115 and 116, South 86°20'58" East, 284.95 feet to the 'Point of Beginning,' containing 2.1955 acres of land, more or less, as surveyed and described in July of 2002, by Carl F. Turner Jr., Registered Professional Surveyor No. S-6702.

Subject, however, to all legal rights-of-way of previous record.

Bearings are referenced in Grid North (Ohio SPC System-South Zone) determined from GPS Observation. Iron pipes called for as set are ¾" I.D., 30" in length, drive flush with the ground, and capped with a yellow plastic plug inscribed "C. TURNER/P.S. 6702.

**CPD TEXT**

**CPD, COMMERCIAL PLANNED DISTRICT**

**2.2 ACRES +/-**

**EXISTING DISTRICT:** LC-4, Limited Regional Scale Commercial District

**PROPOSED DISTRICT:** CPD, Commercial Planned District

**PROPERTY ADDRESS:** 6193 Cleveland Avenue / Parcel I.D.s: 010-207674 / 600-182484

**PROPERTY OWNER:** Bob Evans Farms, Inc.  
3776 South High Street  
Columbus, Ohio 43207

**APPLICANT:** TH Midwest, Inc.  
2600 Corporate Exchange Blvd., Ste 170  
Columbus, Ohio 43231

c/o: Christopher A. Rinehart, Esq.  
Rinehart Legal Services, Ltd.  
300 East Broad Street, Suite 450  
Columbus, Ohio 43215

**DATE OF TEXT:** June 4, 2013

**APPLICATION NUMBER:** 213-042

**INTRODUCTION:**

The subject property consists of two (2) parcels totaling 2.2 +/- acres located at 6193 Cleveland Avenue ("Site"). The Site is currently occupied by a vacant Bob Evans restaurant and is zoned LC-4, Limited Regional Scale Commercial District.

Applicant proposes to rezone the Site to CPD, Commercial Planned District, to allow the construction of a Turkey Hill Minit Market. The approximate 2.2 acre site will be developed with (1) a retail convenience store, (2) a fuel sales canopy that includes ten pump island dispensers, totaling twenty fueling positions, and (3) a one-bay automatic car wash, as illustrated on the attached CPD Site Plan. This CPD text is submitted in support of the zoning application.

**1. PERMITTED USES:**

**A. Chapter 3356 (C-4), Regional Scale Commercial District**

1. Unless otherwise indicated herein, the permitted uses in, on or upon the Site shall be those allowed in Chapter 3356 (C-4), of the Columbus City Code.

**B. Chapter 3357 (C-5), Highway Oriented Commercial Development**

1. Unless otherwise indicated herein, the permitted uses in, on or upon the Site shall include an automobile service station and car wash as permitted by Chapter 3357 of the Columbus City Code.

2. **DEVELOPMENT STANDARDS:** Unless otherwise stated herein, the applicable development standards shall be as specified in Chapter 3356 and, to the extent such standards relate to automobile service stations and car washes, those specified in Chapter 3357.

**A. Density, Lot, and/or Setback Commitments**

1. Building Setbacks: The minimum building setback from Cleveland Avenue shall be as shown on the attached site plan.
2. Parking Setbacks: The minimum parking, loading and maneuvering setback shall be as shown on the attached site plan.

**B. Access, Loading, Parking, and/or Other Traffic Related Commitments**

1. Any and all traffic-related commitments shall be designated and located to the specifications of the City of Columbus Planning and Operations Division.
2. Curb cuts shall be approved by the City of Columbus Planning and Operations Division. Access to and from the Site is proposed to be provided from two access points located along Cleveland Avenue.

**C. Buffering, Landscaping, Open Space and/or Screening Commitments [N/A]**

**D. Building Design and/or Interior-Exterior Treatment Commitments [N/A]**

**E. Lighting, Outdoor Display Areas, and/or Other Environmental commitments**

1. Outdoor display and/or sales shall be limited to the following areas:
  - a. Outdoor displays shall be permitted on an internal sidewalk and shall be located in a manner that maintains a four (4) foot wide clear walkway for pedestrians at all times.
  - b. Pump island end cap displays shall not exceed a footprint of 3' x 3' nor exceed a height of 4'.

**F. Graphic and Signage Requirements**

1. All graphics and signage shall comply with the Graphics Code, Article 15, Title 33, of the Columbus City Code as it applies to the C-4, Regional Scale Commercial District, and any variance to those requirements will be submitted to the Columbus Graphics Commission for consideration.

**G. Miscellaneous Commitments**

1. The Site shall be developed in accordance with the site plan and details. The plans may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of development and when engineering plans are completed. Any slight adjustment to the plans shall be reviewed and may be approved by the Director of Development of Building and Zoning Services, or a designee, upon submission of the appropriate data regarding the proposed adjustment.
2. Section 3357.18 of Columbus City Code shall apply if fuel sales are abandoned according to the definition included in this Section of the Columbus City Code. The owner/lessee shall follow the requirements found in Section 3357.18 (a through e) in order to secure the site and maintain the aesthetics of the property.



## **H. CPD Criteria**

### **1. Natural Environment**

The Site is located at the intersection of Corporate Exchange Boulevard and Cleveland Avenue. The natural environment of the Site is a vacant Bob Evans restaurant.

### **2. Existing Land Use**

The property is currently zoned LC-4, Limited Regional Scale Commercial District. The rezoning permits commercial use of the Site pursuant to existing C-4 standards as well as a limited C-5 use for an automobile service station, car wash, and ancillary parking.

### **3. Transportation and Circulation**

There will be direct vehicular access to the Site from Cleveland Avenue, as illustrated on the attached CPD Site Plan.

### **4. Visual Form of the Environment**

The existing uses/zoning of the surrounding properties are as follows:

West:	Across Cleveland Avenue are two parcel., one zoned C-4 and the other zoned C-3.
North:	There is one parcel to the north, and it is zoned LC-4.
East:	There are two parcels located directly to the east of the subject property. One parcel is a portion of the parcel to the north and is zoned C-4. The other parcel lies outside of the boundaries of the City of Columbus and appears to be residential in nature.
South:	There is one parcel to the south, and it is zoned LC-4.

### **5. View and Visibility**

The Site is clearly visible from Cleveland Avenue.

### **6. Proposed Development**

The proposed development is a Turkey Hill Minit Market with (1) a retail convenience store, (2) a fuel sales canopy that includes ten pump island dispensers, totaling twenty fueling positions, and (3) a one-bay automatic car wash, as illustrated on the attached CPD Site Plan.

### **7. Behavior Patterns**

As indicated and set forth on the site plan, access to the Site will be facilitated from Cleveland Avenue. The proposed development is not expected to significantly alter existing traffic behavior patterns.

### **8. Emissions**

No adverse emissions are expected from this development.

### **9. Variances.**

The use of the CPD mechanism permits certain variances to the required development standards. Applicant requests the variances set forth in Section I below.

**I. Variances.**

Applicant seeks variances to the following provisions of the Columbus City Code:

1. 3357.04 Service Station Site Standards

The applicant seeks a variance to the above-referenced section to permit the canopy of the fuel station to be developed as shown on the attached Site Plan.

2. 3312.11 Drive-Up Stacking Area

a. The applicant seeks a variance to the above-referenced section to allow an automatic car wash without an exclusive by-pass lane.

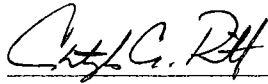
b. The applicant seeks a variance to the above-referenced section to allow the fuel dispensers to be located as shown on the depicted site plan

3. 3312.25 Maneuvering

The applicant seeks a variance to the above-referenced section to allow maneuvering on the site across two parcels lines as shown on the attached site plan. The two parcels at issue are located in two different taxing districts and may not be combined.

The undersigned, being the owner of the subject property together with the applicant in the subject application, or other authorized representatives do hereby agree singularly and collectively for themselves, their heirs, successors and assigns, to abide by the above restrictions, conditions, and commitments regarding development of the subject property and for such purpose each states that he fully understands and acknowledges that none of the foregoing restrictions, conditions, or commitments shall in any manner act to negate, nullify, alter or modify any more restrictive provision of the Columbus City Code.

SIGNATURE:



DATE: June 4, 2013

SCALE : 1" = 30'



11



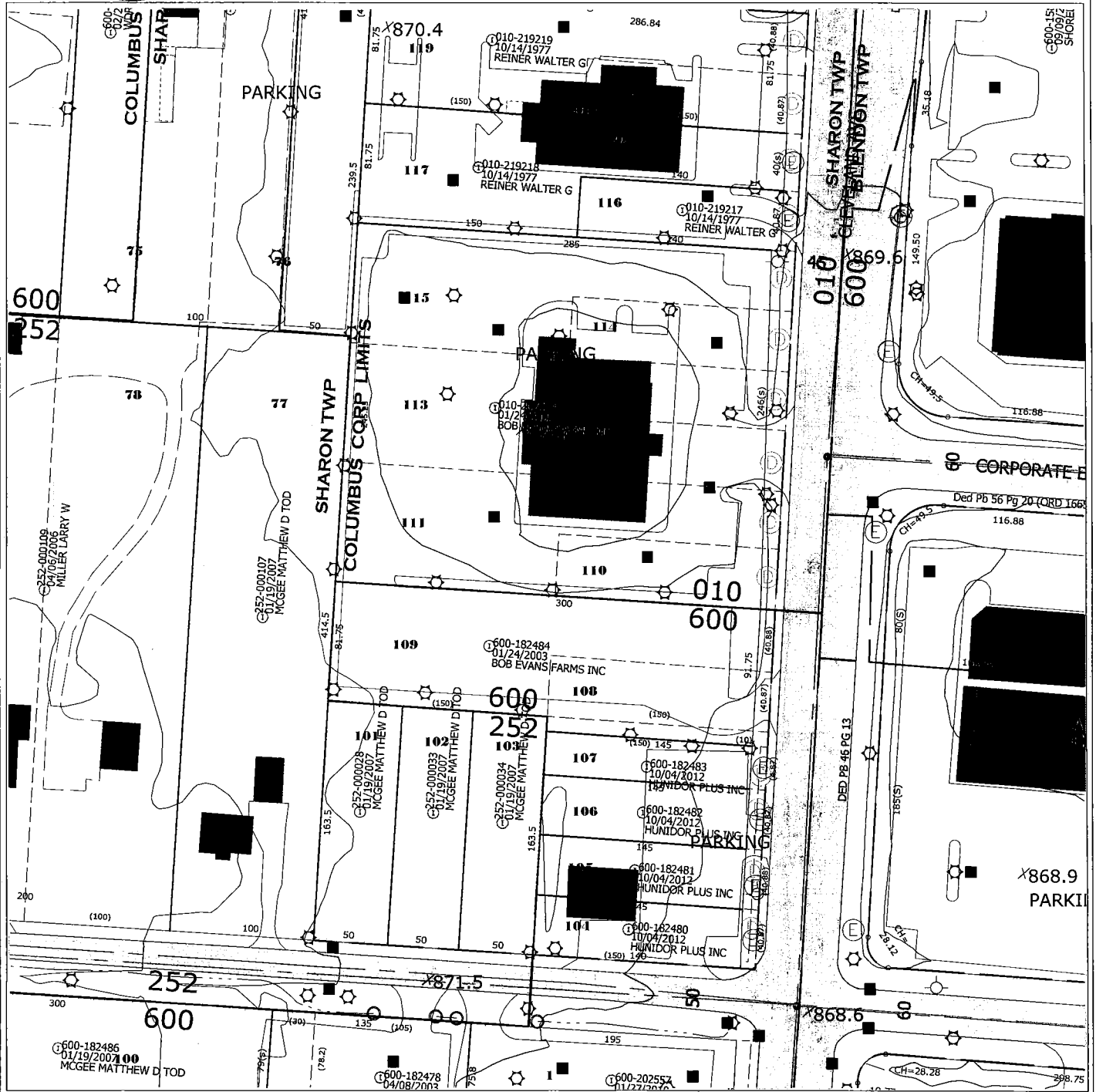
**TurkeyHill**

213-042



# CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: C      DATE: 6/3/13

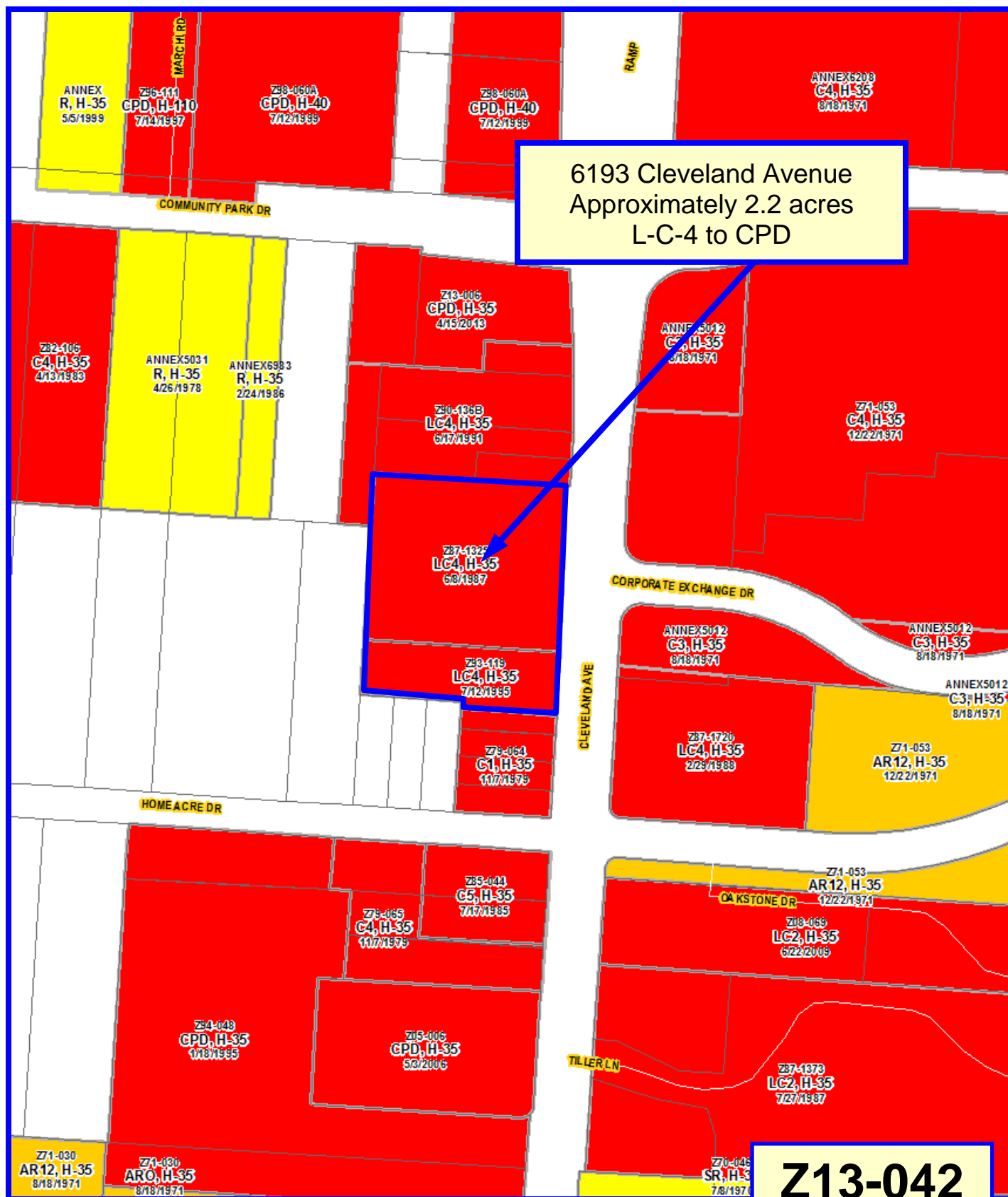


Disclaimer

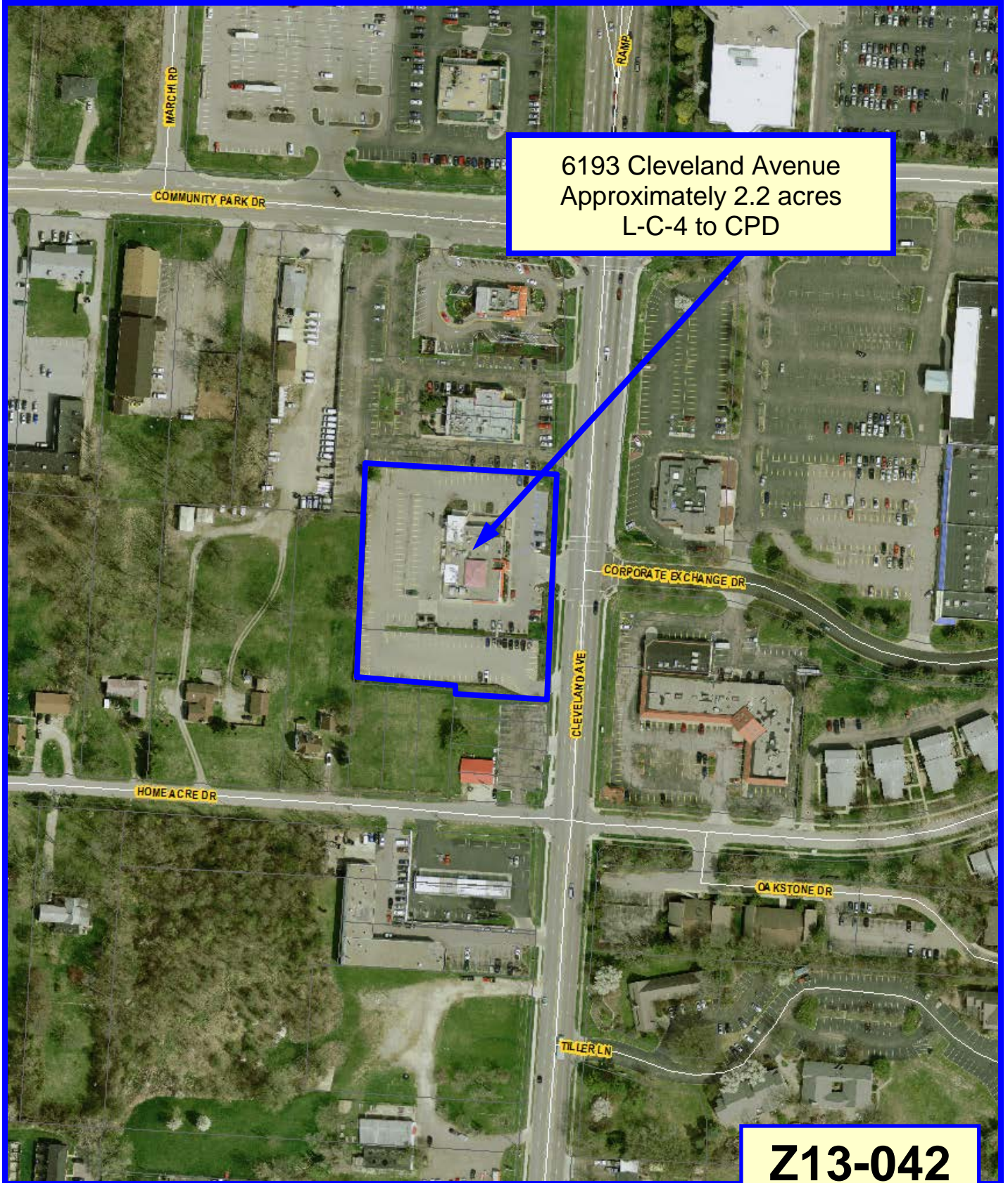
Scale = 100



This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information sources should be consulted for verification of the information contained on this map. The county and the mapping companies assume no legal responsibilities for the information contained on this map. Please notify the Franklin County GIS Division of any discrepancies.







6193 Cleveland Avenue  
Approximately 2.2 acres  
L-C-4 to CPD

**Z13-042**